

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

BRIAN KEITH ALFORD,	:	Case No. 1:20-cv-433
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
WILLIAM D. TERRELL, M.D., et al.,	:	
	:	
Defendants.	:	
	:	

ORDER OVERRULING OBJECTION, ADOPTING REPORT AND
RECOMMENDATION, DISMISSING COMPLAINT WITH PREJUDICE,
AND TERMINATING ACTION

This case is before the Court upon the Report and Recommendation entered by United States Magistrate Judge Stephanie K. Bowman. In the Report and Recommendation, Magistrate Judge Bowman recommends that the Court *sua sponte* dismiss the Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. Plaintiff Brian Keith Alford, a prisoner at the Toledo Correctional Institution proceeding *pro se* in this case, filed an Objection to the Magistrate Judge's recommended disposition.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Plaintiff's Objection is not well-taken and is accordingly **OVERRULED**. Specifically, Plaintiff asserts additional facts regarding his putative

malpractice claim against Dr. William D. Terrell, but asserts no facts showing that this Court has subject matter jurisdiction over that state law claim. In addition, Plaintiff fails to identify any facts supporting his putative claims under 42 U.S.C. § 1983 against the other defendants. The Court therefore **ADOPTS** the Report and Recommendation (Doc. 6) in its entirety and **DISMISSES** the Complaint (Doc. 1) with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons any appeal of this Order would not be taken in good faith, and, therefore, Plaintiff is denied leave to appeal *in forma pauperis*. This case shall be **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND